

In re: Appln No. 10/050,838
Amendment dated March 16, 2006
Reply to Office action of January 24, 2006

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Remarks

Summary of Amendments

Applicant has amended independent claim 1 to limit the claim to the dynamic addressing being repeated on an ongoing basis post device startup. Claims 2, 4, 5, 7 - 9, 11 - 12, and 17 - 19 have been canceled. Claim 3 has been amended to limit the claim to caller identification dependent on both the call terminator and call originator. Claim 6 has been amended to limit the claim to switching to reflect on the dependency on post device startup. Claims 10, 13 - 16, and 20 have been amended for both clarity and to reflect on the dependency on post device startup. Claims 21 - 31 have been added to effectively replace the canceled claims previously noted, with Claim 21 is a new independent claim limited by end-user device functionality varying as a function in real-time based on the precise geographic location of said end-user device. Claim 26 is a new independent claim limited by caller identification system operating as a function of both call terminator and call originator access number.

Summary of Examiner's Action:

The Examiner has rejected the claims as follows:

1. Claims 1, 3 - 20 under 35 U.S.C. §102(e) as allegedly being anticipated by Tandon (US Pub No. 2002/0085552); and
2. Claim 3 under 35 U.S.C. §103(a) as allegedly being obvious over Tandon (US Pub No. 2002/0085552).

Tandon is cited as teaching dynamic addressing, though Tandon is relied upon the utilization of DHCP to achieve such dynamic addressing. DHCP handles changes by reconfiguring the client

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while a VLAN-capable network handles it by reconfiguring the network port the client is moved to.

DHCP, and any other reference to dynamic assignment, is solely during the **boot up** process of the NIU connected "End Devices". Once the End Device initiates a session for the first time, see Sections 382 - 391, the IP address is effectively static. There is no instance of Tandon where the IP address changes within any individual communications session, but solely during the initiation of the individual communications session.

The Examiner further alleges that Tandon anticipates the use of wireless devices, switching thresholds for a range of functions, etc.

Wireless is not Roaming

Tandon teaches that wireless is only used as a physical replacement for cable, but remains stationary as every device within Figure 3 is stationary, and thus doesn't anticipate any requirement within any individual communications session. Sec [107] clearly doesn't either utilize or anticipate the End Device being mobile, as Tandon only suggests the potential of wireless communications means being used between the drop and network interface device. Sec [162] further validates the stationary nature of each NIU being within a household and each End Device within the household. The utilization of wireless means doesn't imply mobility and thus the necessity for dynamic switching resulting from the end-user device roaming, but rather simply the absence of wires for transmitting information.

Tandon teaches in Sec [186-187] the location information in a dynamic manner solely for assignment of RIDs, and specifically Sec [187] notes that again the dynamic manner is solely during boot up as quoted by "As different network elements boot up and ask for IP Addresses and routing ID "RID" using the DHCPDISCOVER". The "the status information based on the received stay alive signals can be communicated to the NMS server for use in fault diagnosis". from Sec [220] solely anticipates information such as signal strength for fault diagnosis, rather

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than a change in NUI in which the End Device communicates with or the change of address to enable switching between a short-range and long-range wireless means.

Sections [295-296] solely addresses buffer thresholds, and does not anticipate real-time voice communications, as Tandon specifically states that if the buffer queue has insufficient space the packet is to be dropped. A cardinal rule in voice communications is not to solely drop packets, but rather to suffer the consequences of using a poor QOS.

Sec [169] again not only characterizes the process in which DHCP utilizes dynamic addressing as occurring when "a system is started". Sec [0407] again specifically reemphasizes that the dynamic portion of assignment of address is entirely static post start up, as paraphrased by "after a DHCP-based discovery process and dynamic address assignment is performed" ... and continues to advise that optimization takes place but in a manner limited to "to perform additional adjustments for return-path equalization of plant ingress in DOCSIS applications". No optimization takes place with respect to short-range versus long-range wireless means, or even changes within any individual session the utilization of alternative communication means.

Sec [151] does not pertain to a new dynamic address at all, not to mention a change in address within the present session as a means of improving QoS. Sections [167-168] further reestablish Tandon's position of both QoS being used solely for prioritizing traffic (not prioritizing communications means for the end device) and continues to indicate that the "RID is assigned to all network elements at boot time". Both scenarios clearly do not indicate that the address changes under any circumstances let alone due to QoS issues.

Sec [13] further validates that the utilization of dynamic addressing is not a real-time or even frequent occurrence by the quote of "The present approach also provides immediate data security starting at the customer drop. Since all of the network elements are addressable, a proactive rather than reactive **maintenance approach** is made possible. In addition, a switchbypass capability incorporated in the intelligent network elements can be automatically invoked **in the event of component malfunction** thereby drastically reducing system unavailability to

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customers in a given neighborhood.” Both the maintenance approach and component malfunction are rare events.

As to Sections [244]-[245], [262] – [264], and [312] – [313] make no mention of dynamic call routing, dynamic voice mail options, or screening-in / screening-out features. These sections solely address whether or not sufficient buffer exists to initiate such a telephone call.

Section [242] in which mention of using identifier to identify the location of said End Device is only achievable when such device is stationary as no such means exists within any of the Tandon specification of a dynamic location or means of determining actual location short of implying a simple End Device database lookup table.

Sections [222] and [335] in addition to the entire Tandon specification never mentions the words “global” or “triangulation” nor any equivalent words let alone global positioning system or triangulation as a means of determining physical location in reference to any other known stationary network device.

Section [166] only anticipates triggering different actions relating to buffer or traffic control. Such messages or actions are never a function of a dynamic geographic location, or an externally inputted data element from the End Device (e.g., barcode, etc.), but rather Tandon anticipates a series of actions or messages triggered solely for the purpose of performing network flow control, etc.

Sections [188], [261] – [264], [324] – [327], and [354] and the entire Tandon specification never implies or explicitly mentions any dynamic response beyond managing of raw data communications. The dynamic response is again limited to buffering, QoS, and fault correction as noted earlier. The notion that encryption of information cannot imply the character or function of the data, thus therefore the series of responsive messages and actions resulting from such data is not implied or explicitly stated. The term “encrypted data” does not differentiate, therefore doesn’t anticipate, the specific use of data for any specific purpose. Data is encrypted for security, privacy, size reduction, etc. None of these imply retail data triggered by such an

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action of obtaining a barcode from a specific retail store whereby the location of said store is determined by a dynamic means of obtaining the actual real-time location of said End Device.

It would be obvious to choose the method of communications providing minimal interference. However, that is **explicitly the opposite of the Gurin invention** under a wide range of scenarios **including the choice of the communications means having greater interference when said communication means provides cost savings**. The Gurin invention specifically anticipates the utilization of the short-range wireless means as being less costly than the long-range wireless means, even though the QoS of said long-range means may be consistently excellent.

If the explanation is still unsatisfactory, Applicant respectfully requests a telephone interview to try to clarify this term. Otherwise, Applicant respectfully requests withdrawal of the rejection.

Summary

Applicant respectfully submits that the presently pending claims have overcome all of the Examiner's rejections and objections. Accordingly, Applicant respectfully request allowance of the pending claims. Should the Examiner require any further information, or wish to discuss any aspect of this Response, Applicant respectfully request that the Examiner contact the undersigned at the telephone number listed below.

It is believed that no fees are required for this filing.

Respectfully submitted,

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